



## X. Civil Rights



**Commission Recommendations:** The Commission gave a strong endorsement for the recommendation for the USDA Civil Rights Action Team (CRAT) report, emphasizing swift action to settle outstanding discrimination cases brought forward by farmers and USDA employees and to put in place effective civil rights enforcement and monitoring procedures.

### AGENCY HIGHLIGHTS

#### USDA National Office of Civil Rights

On April 1, 2003, Vernon B. Parker began as the first Assistant Secretary for Civil Rights with oversight over a newly created mission area within the Department of Agriculture. The Office of the Assistant Secretary for Civil Rights began implementing 13 significant civil rights related initiatives in October 2003. The principal focus of these initiatives is to reduce the pending discrimination complaint inventory and by the end of FY 2004, institutionalize the timely processing of complaints and change the culture within the Office of Civil Rights (CR).

In undertaking measures to effectuate change in CR, three (3) immediate actions took place: 1) the shifting of CR employees to divisions and areas specifically to reduce the pending complaint inventory; 2) the requirement for all CR managers to be held accountable for productivity in their respective divisions; and 3) garnering support and oftentimes resource assistance for the initiatives from USDA agencies and stakeholders.

#### Progress on the 13 Initiatives

■ **Initiative 1: Consolidation of Functions with Civil Rights Focus.** The Office of Civil Rights, the Conflict Prevention and Resolution Center, the National 1890 Program, the Diversity Advisory Councils, and the Office of Outreach have been brought under the authority of the Assistant Secretary for Civil Rights (ASCR).

**Update Status ...Completed:** All of the aforementioned independent offices are currently under the authority of the ASCR. Some vacancies remain unfilled due to the delayed budget allocations. The formal reorganization of the Office of the ASCR according to DR-1010 is on target for completion by end of September 2004 (4<sup>th</sup> quarter).

■ **Initiative 2: Realignment of Personnel and Functions in Civil Rights.** CR was temporarily restructured to allow employees to be moved to areas specifically to address the Inventory Reduction Initiative and implementation of the 12 remaining initiatives.



**Update Status ... Almost Completed.** The table below reflects realignment changes:

Established as of October 1, 2003	Established since October 1, 2003	To be completed
<ul style="list-style-type: none"> <li>▪ Accountability, Agency Evaluation, and Special Projects staff.</li> <li>▪ Budget and Planning Unit.</li> <li>▪ The Employment/Program Compliance and Technical Assistance Division.</li> <li>▪ Programs Complaint Division, and</li> <li>▪ Policy and Resource Management Division.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Acting chiefs designated for the: Employment Complaints, Policy and Resource Management, and Program Complaints Divisions.</li> <li>▪ An Acting Director has been named until the vacancy is filled.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A Civil Rights Service Center to process conflict of interest cases will be staffed by October 2004.</li> <li>▪ A Data Management Analysis and Reporting Division will be staffed by October 2004.</li> </ul>

■ **Initiative 3: The Civil Rights Enterprise System.** The Civil Rights Enterprise System will provide USDA with a web based tracking, processing and management tool to be used for all USDA Civil Rights complaint and reporting functions.

**Update Status ... On Target:** The Enterprise System is in the phase of selecting a vendor with presentations being made by vendors to the office of the ASCR for review and approval. A vendor is on target to be selected by August 1, 2004.

■ **Initiative 4: Improving Intradepartmental Relations.** The relationship between CR and other USDA administrative divisions, in particular, the Office of General Counsel, requires remedial measures to ensure CR meets its operational and statutory goals. At issue is the perception of biased and unfair advice being given to CR from OGC and a co-mingling of roles.

**Update Status ... On Target:** Departmental regulations are being amended to clarify and define specific roles and responsibilities for CR and OGC personnel in carrying out their respective functions. The proposed regulations will be completed by September 2004.

■ **Initiative 5: Improving Customer Service.** Establishing a centralized customer service unit in CR to handle all incoming telephone calls for program and employment complaints ensure internal and external customers receive prompt and efficient responses to their inquiries.



**Update Status ... Completed:** The current Customer Service Unit has toll-free telephone lines, a TDD number, and an email address to respond to queries. A Customer Service Guide explains how the four personnel detailed to this unit are to handle telephone, written, and electronic queries. A monthly report of activity in the Customer Service Unit from October 2003 – March 2004 is shown below:

MONTH	Number of Contacts	Processed Within Two Days (Average)
October 2003	190	159 (84%)
November 2003	168	135 (80%)
December 2003	238	223 (94%)
January 2004	221	189 (86%)
February 2004	170	163 (96%)
March 2004	381	372 (98%)

■ **Initiative 6: Complaint Inventory Reduction (Program and Employment).** The most important initiative requiring the greatest output of time and employee resources. A detailed action plan was developed to achieve the goal of reducing the complaint inventory in Programs and Employment, to which CR Division Chiefs agreed to by signature and for which they will be held accountable.

Also, staff directly involved in the inventory reduction have performance plans to reflect the addition of duties or functions related to this initiative. The goal is for each division in CR to have a manageable level of complaints by October 1, 2004, which will be processed timely.

**Update Status ... On Track:** A contract was entered into with three private Equal Employment Opportunity (EEO) firms to draft final agency decisions (FADs) for employment complaints. Additionally, USDA has entered into a partnership with the Equal Employment Opportunity Commission (EEOC). The EEOC will provide training to CR employees on complaint processing, monitor employee productivity, and provide recommendations for improvement.

The table below reflects the processing productivity within the Employment and Program Divisions:



■ **Table 4:** Case activity from October 1, 2003 through April 30, 2004

	Employment Unit	Programs Unit
Beginning balance	2,001	481
Newly Received	407	1,376*
Cases resolved	543	1,123
Ending Balance	1,458	253

\* The large number is due to a letter writing campaign spearheaded by the United Black Farmers.

■ **Initiative 7: Increasing Informal EEO Complaint Resolution Rates.** With the assistance of the Conflict Resolution and Prevention Center (CPRC), CR will utilize Alternative Dispute Resolution (ADR) in the EEO and program complaint process, resulting in less formal EEO complaints filed and more EEO complaints resolved.

**Update Status ... Almost Completed:** A draft ADR Policy and Procedures was vetted through all agency Civil Rights directors and ADR personnel for comment and review. The policy is in the agency clearance process.

■ **Initiative 8: Public Awareness Campaign.** This aggressive effort will focus on promoting the positive actions and accomplishments of the offices under the ASCR. The target audience includes, but is not limited to, recipients and beneficiaries of USDA programs as well as employees.

**Update Status ... On Track:** The ASCR continues, through nationwide meetings with constituent groups and members of Congress, to make public the 13 initiatives and progress made in CR to institutionalize change.

■ **Initiative 9: Prevention of Program Complaints.** CR, collaboratively with other agencies, will develop and implement processes ensuring all USDA programs (where applicable) reach out to socially and economically disadvantaged groups, particularly those seeking program benefits.

**Update Status ... On Track:** On April 15, 2004, a Stakeholders Meeting was held in a major downtown Washington, DC hotel as an outreach effort to minority farmers. The all-day meeting covered areas such as the USDA 2501 programs, holding USDA employees and quasi-employees accountable for discriminatory actions toward minority program applicants, using a receipt for service, revising the County Committee process, the farm loan process, and diversity in the County offices.



CR is participating in agency-sponsored conferences and seminars to ensure customers previously excluded from USDA programs have access and technical assistance for full participation.

■ **Initiative 10: Prevention of EEO Complaints.** CR envisions reducing the number of complaints filed by employees and applicants for employment. This initiative requires hiring a consultant and contractor to conduct a detailed workforce analysis and a barrier analysis of employment impediments.

**Update Status ...*Target Date Revised:*** Due to limited financial resources, the implementation date for this initiative will take place in fiscal year 2005.

■ **Initiative 11: Implementation of the No Fear Act.** The Notification and Federal Employment Antidiscrimination and Retaliation (No FEAR) Act of 2002 requires Federal agencies to be held accountable for violations of antidiscrimination laws. Agencies are to post quarterly statistical data on employment complaints filed with the agency, as well as train employees on their rights and remedies under antidiscrimination laws.

**Update Status ...*On Track.*** CR will post its 1<sup>st</sup> and 2<sup>nd</sup> quarter 2004 reports for the No FEAR Act and continues to work collaboratively with agencies to accurately report their statistical EEO data.

■ **Initiative 12: Implementing Accountability Policy in Personnel Actions.** CR and the Office of Human Resources Management (OHRM) will revise and implement an Accountability Policy that ensures personnel actions will include specific corrective and disciplinary measures for any USDA employee who violates antidiscrimination laws.

**Update Status ...*On Track:*** A draft policy has been written and cleared through agency Civil Rights directors and CR managers for review and comment. The policy is currently in the formal clearance process with publication targeted by September 2004.

■ **Initiative 13: Establishing an Annual Civil Rights Forum.** A Civil Rights Forum will be established to take place annually to train managers and industry practitioners on issues affecting civil rights.

**Update Status ... *On Track:*** The first Forum is scheduled to take place tentatively at the Marriott-Wardman Hotel in Washington, DC on September 22, 2004. Major Civil Rights practitioners have been invited to participate in this one-day event.